

**OFFICE OF THE HEARING EXAMINER  
CITY OF RENTON**

**Minutes**

OWNER: Park Preservations, LLC  
21145 212<sup>th</sup> Ave SE  
Maple Valley, WA 98038

APPLICANT: Robert L. Millard  
Park Preservations, LLC  
21145 212<sup>th</sup> Ave SE  
Maple Valley, WA 98038

CONTACT: Russell D. Millard  
Leisure Estates, LLC  
24725 230<sup>th</sup> Way SE  
Maple Valley, WA 98038

Leisure Estates  
File No.: LUA 09-157, PMHP, FMHP

LOCATION: 201 Union Avenue SE

SUMMARY OF REQUEST: Requesting to add four new manufactured home spaces to Leisure Estates.

SUMMARY OF ACTION: Development Services Recommendation: Approve subject to conditions.

DEVELOPMENT SERVICES REPORT: The Development Services Report was received by the Examiner on January 19, 2010.

PUBLIC HEARING: After reviewing the Development Services Report, examining available information on file with the application, field checking the property and surrounding area; the Examiner conducted a public hearing on the subject as follows:

**MINUTES**

*The following minutes are a summary of the January 26, 2010 hearing.  
The legal record is recorded on CD.*

The hearing opened on Tuesday, January 26, 2010, at 9:02 a.m. in the Council Chambers on the seventh floor of the Renton City Hall. Parties wishing to testify were affirmed by the Examiner.

The following exhibits were entered into the record:

<b><u>Exhibit No. 1:</u></b> Project file containing the original application, reports, staff comments, and other documentation pertinent to the review of this project.	<b><u>Exhibit No. 2:</u></b> Vicinity Map
<b><u>Exhibit No. 3:</u></b> Overall Site Plan	<b><u>Exhibit No. 4:</u></b> Manufactured Home Park Plan
<b><u>Exhibit No. 5:</u></b> Landscape Plan	<b><u>Exhibit No. 6:</u></b> Utility Plan
<b><u>Exhibit No. 7:</u></b> 1979 North Annex Tree Retention Plan	<b><u>Exhibit No. 8:</u></b> Russell D. Millard comments

The hearing opened with a presentation of the staff report by Vanessa Dolbee, Senior Planner, Community and Economic Development Division, City of Renton, 1055 S Grady Way, Renton, Washington 98057. The applicant has requested the addition of four new manufactured homes spaces to the existing Leisure Estates Manufactured Home Park. The site is currently zoned Residential Manufactured Homes (RMH) and is located in the Residential Single-Family Comprehensive Plan Land Use Designation. The site is approximately 43.4 acres and contains 250 existing units. The current density is 5.77 dwelling units per acre.

The proposed additional spaces would be placed in the northwest corner of the Park. The original Park was developed in the late 1970's in four phases that were approved by the City. Phase One located in the center of the Park included 159 mobile home spaces with six acres dedicated to open space. Storage spaces and a mini-storage warehouse building, community center and postal center were included. Phase Two, Leisure Estates East Annex was located off the access road from Union Avenue and includes 2.4 acres and 12 additional spaces. The third Phase, called the North Annex is where the requested changes would take place if approved. There currently are 18 mobile homes on 5 acres with some additional recreation space under the transmission line easement. There also was an approval for seven mini-storage warehouse building located on the western side where the new proposed mobile home spaces would be located. Those storage units, if needed would be built by the residents, as of today no units have been built. Phase Four was the South Annex with the addition of 61 mobile home spaces and 10 additional acres and additional recreation space.

The four new spaces, the extension of Willow Drive would affect approximately a half acre of the overall site. It would increase the units from 250 to 254, which would result in an increased density of 5.84 units per acre, which is within the permitted range for the RMH zone. The RV storage space would be removed and relocated to the southern RV storage space and additional recreation space would be added.

The project is exempt from SEPA review because it contains only four units.

This project does meet the lot size, width, and depth requirements. Access to the four new lots would be via Union Avenue with an extension of the internal drive, Willow Drive.

Landscaping would be required on the new individual lots, the remainder of the park and that a solid wall or view obscuring fence or hedge be established and maintained around the entire perimeter of the park. The applicant has proposed to re-landscape any area that gets disrupted from the construction of the road. Renton City code requires that 10% of the significant trees on site be retained, 228 are proposed to be retained.

The Examiner questioned why the tree retention was being based on the entire acreage rather than just where the four new lots were to be located.

Ms. Dolbee agreed to calculate the tree retention needs for just the four lots. The applicant has proposed to provide 4 additional trees of 1-1/2 inch caliper, if they were to be replacement trees they would need to be 2-1/2 inch caliper.

RMH zone required streets and curbs to be of concrete and a minimum of 35' in width and a five foot sidewalk on one side of the street. This proposal does meet the requirements except for the length which currently does not go to the last lot. The sidewalk must be extended to provide access to all four of the lots. A fire turnaround must be provided in this area. The City of Renton Fire Department has stated that a hammerhead turnaround would also work.

The current recreation areas meet the requirements for the size of the Mobile Home Park. There has been no lighting plan and that needs to be submitted prior to construction permit approval. Sufficient room has been identified to meet the parking requirements. The current storm drainage facilities are sufficient and so no changes are required.

The Olympic Pipeline Easement runs north/south across the site, this easement was not specifically identified on the new plans and it is not clear whether the new spaces were encroaching upon that easement or not. A new mobile home park plan must be submitted identifying the location of the Olympic Pipeline.

Russell D. Millard, Leisure Estates LLC, 24725 230<sup>th</sup> Way SE, Maple Valley 98038 stated that he is the applicant and project manager for Leisure Estates, his brother Robert is the property manager and will testify next.

Regarding the tree retention, on the westerly portion there are six significant trees that would be retained. They expect to be removing 23 trees.

They will provide a detail plan showing the location of the Olympic Pipeline easement.

There was a school impact fee imposed on this property, however, since there have never been any students residing on this property attending school in the Renton School District, they were requesting a waiver of that fee.

Ms. Dolbee stated that there is a brand new school impact fee that was implemented January 4, 2010. The fee is approximately \$6,000.00 per single family residence. Based on vesting this property would be subject to the fee, however whether it should be required or not due to the senior aspect of the development, they will wait for legal briefing from the City Attorney's office on that particular matter.

Mr. Millard continued stating Renton Code which states impact fees should only be imposed for system improvements that are related to the new development. In 33 years of Leisure Estates existence, not a single student has matriculated through the Renton School District as a resident of Leisure Estates. Under the lease for Leisure Estates it states that housing is intended for housing for older persons, under no circumstances will anyone under 18 years of age be allowed to reside in the park. King County code further exempts fees etc to any housing that is for the use solely by senior citizens.

Robert Millard, 26627 163<sup>rd</sup> SE, Covington, WA 98042 stated that their submittal is in compliance and would appreciate the support of the Hearing Examiner. Regarding the Olympic Pipeline, it is located within the Bonneville easement and should not interfere with the new lots proposed today.

The Examiner noted that the Olympic Pipeline was contained within the 200 foot Bonneville easement and so does not interfere with the proposed new four lots.

Rhonda Erickson, 201 Union Avenue SE, #187, Renton 98059 stated that she understood that the intent was to refurbish the park and make it as nice as possible. The problem is that with the economic problems today there are people in the park being pushed out that have lived there 30 years; they can no longer meet the rent demands. The club house has become a real estate office for the Millards, the residents are being given nothing in return for higher rent. With putting four new homes on site, the resale value of homes already there has now decreased. There is strong opposition to the addition of four new lots.

The Examiner suggested that some of these concerns be taken up with City Council or State Legislature, today the limits regard the four additional lots being proposed as an appropriate addition to the park, how they are designed, if they have the right square footage, etc.

Eddie Lawyer, 201 Union Avenue SE, #20, Renton 98059 stated that she is president of the Leisure Estates Residents Association. She has no objection to the new homes coming in, in time it will make the park better. The residents have concerns, but it will not make a difference to the golf course, or any of the other facilities. The homes will add to the park in time, the value to all the homes should go up with the new addition and improvements.

Kayren Kittrick, Community and Economic Development stated that any construction and trees would be subject to the Olympic Pipeline approvals. Extension of the road would also be subject to them. Sewer and water extensions are easy and are typically allowed. BPA and the Olympic Pipeline are very particular as to what gets put in next to them. All locates must be done and submitted to Community and Economic Development department prior to any permits being issued.

Judith White, 201 Union Avenue SE, #59, Renton 98059 stated that she has no problem with the new homes, but her concern would be with the Olympic Pipeline, the amenities and the trees. They are built on hard ground and her home is on landfill. The only amenities listed in the current lease are the streets for all the tenants in the park.

The Examiner stated that the other amenities in the park are required by City code and they will stay and not be reduced.

The **Examiner** called for further testimony regarding this project. There was no one else wishing to speak, and no further comments from staff. The hearing closed at 9:50 a.m.

### **FINDINGS, CONCLUSIONS & RECOMMENDATION**

Having reviewed the record in this matter, the Examiner now makes and enters the following:

#### **FINDINGS:**

1. The applicant, Robert L. Millard for Park Preservation, LLC, filed a request for a permit to allow four (4) additional manufactured home spaces at an existing manufactured home park.
2. The yellow file containing the staff report, the State Environmental Policy Act (SEPA) documentation and other pertinent materials was entered into the record as Exhibit #1.
3. The Environmental Review Committee (ERC), the City's responsible official, determined that the proposal is exempt from environmental review.
4. The subject proposal was reviewed by all departments with an interest in the matter.
5. The subject site is located at 201 Union Avenue SE. The subject site is located on the west side of Union just north of SE 2nd Place. The site runs north to near NE 2<sup>nd</sup> Place.
6. The map element of the Comprehensive Plan designates the area in which the subject site is located as suitable for the development of single family and mobile home residential uses, but does not mandate such development without consideration of other policies of the Plan.
7. The subject site is currently zoned RMH (Residential Manufactured Home).
8. The subject site was annexed to the City with the adoption of Ordinance 2249 enacted in 1966.
9. The subject site contains the Leisure Estates Manufactured Home Park Community. The park encompasses approximately 43.4 acres and contains 250 units. The existing density for the existing site is 5.77 units per acre.
10. The park was developed in four phases starting in January 1977. The first phase was the largest and included most of the amenities (#MH-011-77). It was built on 27 acres and included 159 manufactured home (MH) spaces and 6 acres dedicated to open space and a community center. All the provided amenities, which were required by the City's existing code (historic code section 4-2006.1) and the Planning Commission's Special Studies Committee Report, created a self-contained Mobile Home Park. Subsequent phases were added to the existing park and these additions were entitled to use of all of the above facilities. Phase 2 the East Annex (City file MH-281-79), was approved on February 9, 1979. It permitted the addition of 12 MH spaces on 2.4 acres located to the east along the access road to Leisure Estates. The third phase, the North Annex (City file #F-MH-294-79), was approved on February 20, 1979. This addition added 18 MH spaces on 5 acres located north of the first phase of Leisure Estates. Included with the approval of the North Annex was additional open space under the transmission line

corridor. The original approval suggested this space could be a golf course but did not stipulate its exact use. As part of the third phase, seven mini-warehouse buildings were proposed west of the power lines. The last, fourth phase, the South Annex (City file #F-MH-354-70), was approved on June 25, 1979. This approval permitted the addition of 61 lots on 10 acres located south of both the Leisure Estates and the East Annex. The South Annex included additional space under the transmission line corridor where the development of a sports court was identified. The combined total for the four phases of Leisure Estates results in the existing 250 units.

11. Staff noted that the site looks similar to the original approvals and has changed minimally over time. In the North Annex the area under the power lines is being utilized as a recreational vehicle storage space, and the total open space for the development was reduced to 5.5 acres. Apparently, the community center was converted to a real estate office.
12. A high tension power transmission line corridor that runs north to south in an easement near the western property line. This was the area where most of the open space, originally, approximately 6 acres was provided. It was designed to include both passive and active recreational opportunities; including but not limited to tennis courts, horse shoes, and shuffle board. The first approval also included space for recreational vehicle storage for approximately 60 recreational vehicles, a mini storage building, a community center, and a postal service center. At the hearing it was noted that the Olympic Pipeline easement also runs north-south through the site in the same general corridor as the power lines. Any access across either easement will require approval from the appropriate agency as would any development or plantings.
13. The applicant proposes developing four new spaces or pads for four additional manufactured homes in an area that had been approved for mini-warehouses. Those warehouses were intended to serve as storage space for the park's residents but were not developed. The area, in the northwest corner of the park, just west of the power line corridor, would be redeveloped to allow the mobile homes. The number of homes would increase 250 to 254. This would increase the density from 5.77 to a density of 5.84 units per acre. The four new spaces would cover approximately one-half acre.
14. Staff noted that the addition would not affect the 5.5 acres of open space or storm drainage facilities. The proposal would decrease the recreational vehicle storage space but the current RV space is not fully utilized.
15. Access to the park is via Union Avenue SE and then through a series of internal private roads. Access to the four new spaces would be by an extension of the internal road Willow Drive. The extension of Willow Drive would include curb and gutter and 5-foot sidewalk on one side. The road and sidewalk were not proposed to be extended the full frontage of the four lots and staff recommended it be fully extended. A turnaround that meets the requirements of the Fire Department is required in the dead end extension of the roadway to serve the new pads.
16. The RMH Zone requires a minimum building pad of 3,000 square feet, a 40 lot width and a 75 foot lot depth. All of the proposed spaces exceed those dimensions with the smallest lot 4,400 square feet with a width of 51 feet and a length of 81 feet. Roads must be at least 30 feet wide with at least one 5-foot sidewalk. The proposal provides the appropriate roadways but its sidewalk does not comply with code since it does not reach the furthestmost lot. At least 10 percent of the parcel is to be reserved for open

space and used for recreation or a playground. The proposal complies by providing 12.67 percent or 5.5 acres of open space.

17. The area in which the pads will be developed will need to be regraded. The applicant also proposes removing 18 significant trees. The RMH Zone requires that 10 percent of the significant trees be retained and appropriate replacement occur. Staff calculated tree retention based on the entire subject site and found that there were 250 significant trees and removing 18 trees met code. In the past each phase complied with code as to that phase. The original environmental determination reviewed for this application required the retention of as many trees as feasible.
18. Staff found that the site meets storm water requirements.
19. The subject site is located within the Renton School District. A new mitigation fee applies to development. The applicant noted this was a senior housing complex and should be exempt from the fee. This office will allow others to determine the applicability of the fee to this proposal.
20. The development will increase traffic approximately 10 trips per unit or approximately 40 trips for the 4 units. Approximately ten percent of the trips, or approximately 4 additional peak hour trips will be generated in the morning and evening.
21. Utilities can be extended to serve the subject site.
22. The applicant did not provide a required lighting plan for the development.

#### **CONCLUSIONS:**

1. The proposed addition of four new mobile home pads appears reasonable although since they are part of the overall park, the park must continue to comply with the regulations and conditions under which it was originally authorized including open space and required amenities. The Planning Commission and the original approvals demonstrated a Community Center. It appears that this feature may have been eliminated. It also appears that the facility may have been converted into a commercial endeavor. If that were the case, it does not appear to be an authorized use within the context of the RMH Zone. No submissions amended the approved plans and therefore, the community center remains a required element of this mobile home park.
2. The proposed lots meet the zoning requirements for this site. The additional housing achieves goals of the comprehensive plan and the Growth Management Act by infilling with additional housing in an area suitable for additional development. The site can be served with water and sewer utilities. The four additional units should not tax the roads in the area and the applicant should pay the appropriate transportation mitigation fee to help balance the impacts. The new housing will place an additional burden on emergency services and the applicant shall offset those impacts by paying the fire mitigation fees.
3. The integration of these new units into the existing park should not have a deleterious impact on the existing community nor on the surrounding uses.

4. Since grading will be required, erosion control plans will be required. In order to protect the community from impacts until housing is placed on the pads, the applicant should install landscaping.
5. The park's plan should be revised so that public documents and disclosures indicate the presence and location of the Olympic pipeline corridor as well as the power line easement and its boundaries.
6. The applicant will have to provide an appropriate turnaround for emergency vehicles on the new roadway extension.

**DECISION:**

The expansion of the Leisure Estates mobile home park is approved subject to the following conditions:

1. The applicant shall provide or restore amenities that were required under all original approvals.
2. The applicant will have to demonstrate that any uses within the park comply with the Zoning Code provisions.
3. The applicant shall landscape each new manufactured home space with at least ground cover to reduce the possibility of erosion and sediment run off from the newly graded spaces. Landscaping shall be installed after construction is completed and approved by the Current Planning project manager.
4. The applicant shall submit with the construction permit application a detail of the sidewalk improvements that indicates the 5-foot wide sidewalk extends north to provide access to space 254, which shall be reviewed and approved by the Current Planning project manager prior to construction permit approval.
5. The applicant shall pay a Transportation Mitigation Fee based on \$75.00 per net new average daily trip attributed to the project. The fee shall be paid prior to building permit issuance.
6. A street lighting plan shall be submitted with the construction permit application for review and approval by the Current Planning project manager prior to construction permit approval.
7. Temporary Erosion Control shall be installed and maintained in accordance with the Department of Ecology's Erosion and Sediment Control Standards and subject to the approval of the Department of Community & Economic Development Plan Review project manager.
8. The applicant shall pay a Fire Mitigation Fee, based on \$488.00 per new single-family space. The fee should be paid prior to building permit issuance.
9. The applicant shall revise the park's plan so that public documents and disclosures indicate the presence and location of the Olympic pipeline corridor as well as the power line easement and its boundaries.
10. The applicant shall provide an appropriate turnaround for emergency vehicles on the new



roadway extension.

ORDERED THIS 18<sup>th</sup> day of February 2010.

---

FRED J. KAUFMAN  
HEARING EXAMINER

TRANSMITTED THIS 18<sup>th</sup> day of February 2010 to the following:

Mayor Denis Law	Dave Pargas, Fire
Jay Covington, Chief Administrative Officer	Larry Meckling, Building Official
Julia Medzegian, Council Liaison	Planning Commission
Gregg Zimmerman, PBPW Administrator	Transportation Division
Alex Pietsch, Economic Development	Utilities Division
Jennifer Henning, Development Services	Neil Watts, Development Services
Stacy Tucker, Development Services	Janet Conklin, Development Services
Marty Wine, Assistant CAO	Renton Reporter

Pursuant to Title IV, Chapter 8, Section 100 of the City's Code, **request for reconsideration must be filed in writing on or before 5:00 p.m., March 4, 2010.** Any aggrieved person feeling that the decision of the Examiner is ambiguous or based on erroneous procedure, errors of law or fact, error in judgment, or the discovery of new evidence which could not be reasonably available at the prior hearing may make a written request for a review by the Examiner within fourteen (14) days from the date of the Examiner's decision. This request shall set forth the specific ambiguities or errors discovered by such appellant, and the Examiner may, after review of the record, take further action as he deems proper.

An appeal to the City Council is governed by Title IV, Chapter 8, Section 110, which requires that such appeal be filed with the City Clerk, accompanying a filing fee of \$250.00 and meeting other specified requirements. Copies of this ordinance are available for inspection or purchase in the Finance Department, first floor of City Hall. **An appeal must be filed in writing on or before 5:00 p.m., March 4, 2010.**

**If the Examiner's Recommendation or Decision contains the requirement for Restrictive Covenants, the executed Covenants will be required prior to approval by City Council or final processing of the file. You may contact this office for information on formatting covenants.**

The Appearance of Fairness Doctrine provides that no ex parte (private one-on-one) communications may occur concerning pending land use decisions. This means that parties to a land use decision may not communicate in private with any decision-maker concerning the proposal. Decision-makers in the land use process include both the Hearing Examiner and members of the City Council.

All communications concerning the proposal must be made in public. This public communication permits all interested parties to know the contents of the communication and would allow them to openly rebut the evidence. Any violation of this doctrine would result in the invalidation of the request by the Court.

The Doctrine applies not only to the initial public hearing but to all Requests for Reconsideration as well as Appeals to the City Council.